



imr 1624

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UNDER 37 CFR 1.8(a)**

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2 May 2007
HUESCHEN AND SAGE

Michelle M. C.
Dated: 2 May 2007

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Applicant : Gérard COUDERT, Franck LEPIFRE, Daniel-Henri
CAIGNARD, Pierre RENARD, John HICKMAN, Alain
PIERRE, and Laurence KRAUS-BERTHIER

Serial No. : 10/531,648

Filed : April 15, 2005

Title : SUBSTITUTED BENZO[e][1,4]OXAZINO[3,2-
g]ISOINDOLE COMPOUNDS

Art Unit : 1624

Examiner : Kahsay HABTE, Esq.

Honorable Commissioner for Patents
PO Box 1450
Alexandria, VA 22313

RESPONSE AND ELECTION UNDER 37 CFR §§ 1.111 AND 1.142

Sir:

Responsive to the Office Action, a Restriction Requirement, dated April 11, 2007, it is the position of the Office that the application pertains to a plurality of patentably distinct inventions. It is the position of the Office that the Restriction **Groups I-II** do not relate to a single inventive concept since they are drawn to structurally different

compounds comprising patentably distinct core structures. It is the position of the Office that the core ring system of Restriction Group I is a pentacyclic ring system, and the core ring system of Restriction Group II is a tetracyclic ring system.

The Applicants **traverse** this conclusion on the grounds that one skilled in the chemical arts would recognize that the compounds of Restriction Group II are useful as intermediates in the synthesis of the compounds of Restriction Group I, and that these intermediates have the same structural core (i.e., the tetracyclic 1,4-oxazine core as defined by the Office) as the compounds of Restriction Group I. Thus, one skilled in the chemical arts would not find the instant invention to involve structurally distinct inventions. Absent contradictory evidence that those skilled in the art would find the instant invention to consist of multiple inventions, it is submitted that the Office Requirement is not substantiated.

Nonetheless, in an effort to advance the prosecution of the instant application, the Applicants elect **with traverse** to prosecute the invention of **Group I** (Claims 14-25), drawn to benzo[a]pyrrolo[3,4-c]phenoxazines or benzo[e]pyrido[1,4]-oxazino[3,2-g]indoles, of the Restriction Requirement.

Absent a favorable decision upon reconsideration of the Restriction Requirement, the Examiner may withdraw the non-elected subject matter, without prejudice to its rejoinder during later examination and/or prosecution in a Divisional Application.

Accordingly, entry of the present Election into the record of this application and favorable action on the merits thereof, are respectfully solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By: 

MICHELE M. CUDAHY, Reg. No. 55,093



Dated: May 2, 2007
Customer No.: 25,666
Seventh Floor, Kalamazoo Building
107 West Michigan Avenue
Kalamazoo, MI 49007
(269) 382-0030

Enclosure: Postal Card Receipt

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